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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,792	07/14/2003	Masayoshi Koike	F03-354-USdiv	4088
21254	7590	07/27/2005		EXAMINER
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				MULPURI, SAVITRI
			ART UNIT	PAPER NUMBER
				2812

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)
	10/617,792	KOIKE ET AL.
	Examiner	Art Unit
	Savitri Mulpuri	2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-19,21,23-26 and 56-65 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-19,21,23-26 and 56-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the applicant's communication, amending the claims, filed on 4/27/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 61-65 rejected under 35 U.S.C. 102(b) as being anticipated by Ng (from PTO-892).

With respect to claims 61-65, Ng teaches forming multi-quantum well (MQW) semiconductor materials for light emission (see page 584, lines 24-26). Ng specifically teaches n-i-p-i multi quantum well heterostructures, where heterostructure are adjacent layers with different composition (see fig. 9.1 (c) and (d)). In Ng intrinsic layer is a undoped barrier layer) and is sandwiched between p-layer and n-layer. NG teaches the n-i-p-i MQW structure has multiple purposes such as minimal electron-hole recombination, very long carrier life time, may orders of magnitude higher than regular material, and tunable effective energy gap from the intrinsic material enables light emission of longer wavelength (see page 584, lines 16-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-19, 21, 23-26, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in combination with Ng (from PTO 892).

Nakamura et al teach a method of making light emitting devices by forming gallium nitride based multi quantum well structure. Nakamura teach MQW having well and barrier layer with different combinations of doped or non-doped well and doped or n0n-doped barrier layers. Nakamura particularly teach in MQW structures, well layers can be p- doped or n-doped materials, wherein Mg as p-dopant and Si as n-dopant.(see col. 15, lines 23-67). Nakamura teach barrier layer is non-doped in MQW (col. 43, lines 30-67 and col. 44, lines 1-35). Nakamura teaches Mg, Cd, Zn , Be as p-type dopants (see col.9, lines 10-15). Nakamura teaches the thickness and compositions of the well and barrier are similar to claimed thicknesses and compositions.

Nakamura et al do not teach undoped barrier layer sandwiched with p- well layer and n-well layer.

Ng teaches forming multi-quantum well (MQW) semiconductor materials for light emission (see page 584, lines 24-26). Ng specifically teaches n-i-p-i multi quantum well heterostructures, where heterostucture are adjacent layers with different composition

(see fig. 9.1 (c) and (d)). In Ng intrinsic layer is a undoped barrier layer and is sandwiched between p-layer and n-layer. NG teaches the n-i-p-i MQW structure has multiple purposes such as minimal electron-hole recombination, very long carrier life time, may orders of magnitude higher than regular material, and tunable effective energy gap from the intrinsic material enables light emission of longer wavelength (see page 584, lines 16-29).

It would have been obvious to one of tone of ordinary skill in the art to form n-i-p-i structure as MQW in the invention of Nakamura because such structure would give several benefits such as minimal electron-hole recombination, very long carrier life time, may orders of magnitude higher than regular material, and tunable effective energy gap from the intrinsic material enables light emission of longer wavelength as disclosed by Ng (see page 584, lines 16-29).

Applicant's arguments with respect to claims 17-19, 21, 23-26, 56-65 have been considered but are moot in view of the new ground(s) of rejection. Double patenting rejection is withdrawn because of the arguments provided by applicant in view of the restriction was made in the parent case.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Savitri Mulpuri whose telephone number is 571-272-1677. The examiner can normally be reached on Mon-Fri from 8 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt, can be reached on 571-272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).



Savitri Mulpuri
Primary Examiner
Art Unit 2812